

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KENNETH YARN,

Petitioner,

v.

Case No. 08-C-0390

RONALD K. MALONE,

Respondent.

ORDER

On May 6, 2008, petitioner Kenneth Yarn, who is proceeding pro se, filed a petition for a writ of habeas corpus. On June 5, 2008, the court issued an order requiring the petitioner to submit his petition on the appropriate form as required by 28 U.S.C. § 2254 and the Civil Local Rule 9.1 (E.D. Wis.). A copy of the form was enclosed with the order. The order subsequently was returned as undeliverable.

The court then determined that the petitioner had been moved to a new facility and the court reissued its order on July 16, 2008, and sent it to the petitioner at his new address, along with a copy of the appropriate habeas form and a federal "Petition and Affidavit to Proceed Without Prepayment of Fees and/or Costs." In the order, the court instructed to submit his petition for a writ of habeas corpus on the appropriate form and to also submit a certified copy of his prison trust account statement by August 20, 2008. The petitioner was also advised that failure to file his

petition on the appropriate form by that date could result in the dismissal of the action.

When the petitioner did not file his habeas petition by August 20, 2008, the court again checked with the Wisconsin Department of Corrections to ascertain the petitioner's current location and was advised that the petitioner remained housed at the Milwaukee Secure Detention Facility where he had been since June 30, 2008.

The court issued another order advising the petitioner that it appeared that he was no longer interested in pursuing the action. However, the court gave the petitioner an additional period of time, until October 2, 2008, to file his petition and advised him that his petition would be denied unless he filed his petition on the appropriate form along with his federal in forma pauperis application by that date.

To date, the petitioner has not filed his petition on the required habeas form, nor has he filed any documents with the court since he filed his petition on May 6, 2008. It appears that the petitioner may no longer want to pursue this action. Given the petitioner's apparent lack of interest and his failure to comply with the court's orders requiring him to file his habeas corpus petition on the required form despite a warning that the action could be dismissed if he failed to do so, the court concludes that dismissal of this action is appropriate. Accordingly, the petitioner's petition for a writ of habeas corpus will be dismissed.

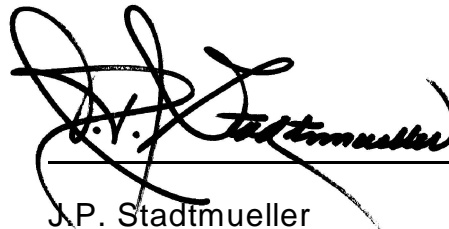
ORDER

NOW, THEREFORE, IT IS ORDERED that the action be and hereby is dismissed.

IT IS FURTHER ORDERED that the clerk of court shall enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 23rd day of October, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with large, sweeping loops.

J.P. Stadtmueller
U.S. District Judge